

CALIFORNIA LEGISLATURE

2019–20 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FIFTIETH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, February 12, 2020

The Senate met at 9 a.m.
Hon. Jerry Hill, of the 13th District, presiding.
Secretary Erika Contreras at the Desk.
Assistant Secretary Dylan Goldstein reading.

ROLL CALL

The roll was called and the following Senators answered to their names:

Allen, Archuleta, Atkins, Bates, Beall, Borgeas, Bradford, Dahle, Durazo, Galgiani, Glazer, Lena Gonzalez, Grove, Hertzberg, Hill, Hueso, Hurtado, Jackson, Leyva, McGuire, Monning, Moorlach, Morrell, Nielsen, Pan, Portantino, Roth, Rubio, Skinner, Stern, Wieckowski, Wiener, and Wilk—33.

Quorum present.

(NOTE: Senators Chang and Umberg will be excused this day on legislative business. Senators Jones and Mitchell will be excused this day on personal business. Senators Caballero and Dodd will be excused this day due to illness.)



MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
February 12, 2020

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments are subject to Senate confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

GAVIN NEWSOM, Governor

DEAN L. BORG, has been appointed director of the Division of Facility Planning, Construction and Management at the California Department of Corrections and Rehabilitation, where he has been deputy director of the Division of Facility Planning, Construction and Management since 2015 and served in several positions from 2006 to 2015, including associate director of the Capital Planning and Project Services Branch and assistant deputy director of the Office of Facilities Management. Borg served in several positions at the California Department of Corrections and Rehabilitation from 1991 to 2006, including chief of legislation for adult operations in the Office of Legislation, legislative coordinator in the Legislative Liaison Office, and analyst and manager of administration and planning in the Planning and Construction Division. Borg served as a recycling specialist in the Beverage Container Recycling Program at the California Department of Conservation from 1987 to 1991. He earned a Master of Public Administration degree from the University of Southern California. Appointed 01/28/2020. Effective 02/04/2020.

Director, Division of Facility Planning, Construction and Management, California Department of Corrections and Rehabilitation, vice, Deborah L. Hysen, retired 11/30/2019. Term ending at the pleasure of the Governor.

ANDREW G. GIACOMINI, has been appointed to the Board of Directors of the University of California, Hastings College of the Law. Giacomini has served as managing partner at Hanson Bridgett LLP since 2002. He is a board member of the Marin Agricultural Land Trust and the Leadership Council for Legal Diversity. Giacomini is a board member and vice chair of the Buck Family Fund and at the Marin Community Foundation. He is secretary of the executive committee for the Bay Area Council. Giacomini earned a Juris Doctor degree from the University of California, Hastings College of the Law. Appointed 01/16/2020. Effective 02/04/2020.

Member, Board of Directors, Hastings College of the Law, vice, Christian A. Osmena, not confirmed. Term ending 02/04/2032.



ALEXIS S. HACKER, has been appointed to the San Francisco Bay Regional Water Quality Control Board. Hacker held several positions at the U.S. Environmental Protection Agency from 1979 to 2019, including acting regional administrator, deputy regional administrator, director for regional water division, branch chief, branch manager and environmental protection specialist. She earned a Master of Arts degree in urban planning from the University of California, Los Angeles. Appointed 01/28/2020. Effective 02/04/2020.

Member, California Regional Water Quality Control Board, San Francisco Bay Region, vice, Cecilia Ogbu, term expired. Term ending 09/30/2023.

ANDREW J. GUNTHER, has been appointed to the San Francisco Bay Regional Water Quality Control Board. Gunther has been a consulting scientist to local government and non-profits since 2017. Gunther was executive director at the Center for Ecosystem Management and Restoration from 2000 to 2017 and vice president at Applied Marine Sciences from 1991 to 2000. He is a board member of the Union of Concerned Scientists. Gunther earned Doctor of Philosophy and Master of Science degrees in energy and resources from the University of California, Berkeley. Appointed 01/28/2020. Effective 02/04/2020.

Member, California Regional Water Quality Control Board, San Francisco Bay Region, vice, Terry A. Forrest Young, withdrawn 06/24/2019. Term ending 09/30/2022.

CYNTHIA M. MARTEN, has been appointed to the California Commission on Teacher Credentialing. Marten has served as superintendent of the San Diego Unified School District since 2013. She was principal at Central Elementary in the San Diego Unified School District from 2006 to 2012, where she served in several positions from 2003 to 2006, including as a teacher, content administrator and vice principal. She is a member of the Commission on Gang Prevention and Intervention, the Superintendency Council for the Association of California School Administrators, the Fiscal Crisis and Management Assistance Team and the State Superintendent's District and County Superintendent's Advisory Committee. She earned a Master of Arts degree in curriculum and instruction from the University of California, San Diego. Appointed 01/28/2020. Effective 02/07/2020.

Member, Commission on Teacher Credentialing, vice, Jose L. Gonzalez, resigned 08/01/2019. Term ending 11/20/2023.

Above appointments referred to the Committee on Rules.



Governor's Executive Reports

Governor's Office, State Capitol
February 10, 2020

Ms. Erika Contreras
Secretary of the Senate

Dear Ms. Contreras: I enclose the Governor's 2019 Executive Report on Parole Review Decisions and the 2019 Executive Report on Pardons, Commutations of Sentence, and Reprieves, issued pursuant to Article V, Section 8 of the California Constitution.

Sincerely,
CATHERINE E. LHAMON
Legal Affairs Secretary

**MESSAGE FROM THE GOVERNOR
CONCERNING PAROLE CASES**

To the Members of the Senate and Assembly of the State of California:

I submit this report as required by Article V, Section 8, subdivision (b).

The parole process in California, a critical cornerstone of our criminal justice system, is made stronger by the efforts of many, throughout state government, the legal system, and in our communities.

The California Department of Corrections and Rehabilitation, under the leadership of Secretary Ralph Diaz, the Board of Parole Hearings, including the Parole Commissioners and the Deputy Parole Commissioners, under the leadership of Executive Officer Jennifer Shaffer, and the Division of Adult Parole lead this effort in our state government. I also wish to acknowledge the Office of Victims and Offenders Rights and Services led by Chief Nolice Edwards.

I am also grateful to the community organizations that provide rehabilitative programming in prisons and reentry services to people on parole in the community; the attorneys who represent inmates in the parole process; the prosecutors who appear at the hearings; and the people in prison, on parole, and post-parole who have committed themselves to rehabilitation and accountability.

Finally, I acknowledge and thank crime victims and survivors for their participation in the parole process. I have been inspired by their courage and resilience.

The report may be found at www.gov.ca.gov/clemency, or, for a printed copy, contact the Governor's Office at 916-445-2841. Crime victims and survivors who would like information about parole and clemency notification, restitution, and referral and support services can call 1-877-256-6877, email victimservices@cdcr.ca.gov, or visit www.cdcr.ca.gov/victim-services. Californians who would like



information and instructions on how to apply for clemency may visit www.gov.ca.gov/clemency.

I look forward to our continued partnership in ensuring a fair criminal justice system for all Californians.

Sincerely,

GAVIN NEWSOM, Governor

Above report transmitted to the Committee on Public Safety.

**MESSAGE FROM THE GOVERNOR
CONCERNING CLEMENCY**

To the Members of the Senate and Assembly of the State of California:

In accordance with Article V, Section 8 of the California Constitution; Penal Code Section 4807; and Government Code Section 12017, I submit to you a report on the pardons, commutations of sentence, and reprieves I issued in 2019. I pardoned 22 people, granted commutations of sentences to 23 people, and granted reprieves to 737 people in the form of a moratorium on the death penalty.

This report includes the pardon and commutation certificates, and the application forms submitted for each. The report also includes Executive Order 03.13.19, which sets forth the reasons for my decision to institute a moratorium on the death penalty.

My constitutional authority to grant clemency in criminal cases in the form of reprieves, commutations, and pardons is an important part of California's criminal justice system that can promote accountability, rehabilitation, public safety, make jails and prisons safer, and correct unjust results in the legal system.

The report may be found at www.gov.ca.gov/clemency, or, for a printed copy, contact the Governor's Office at 916-445-2841. Crime victims and survivors who would like information about parole and clemency notification, restitution, and referral and support services can call 1-877-256-6877, email victimservices@cdcr.ca.gov, or visit www.cdcr.ca.gov/victim-services. Californians who would like information about how to apply for clemency can visit www.gov.ca.gov/clemency.

I look forward to our continued partnership in ensuring a fair criminal justice system for all Californians.

Sincerely,

GAVIN NEWSOM, Governor

Above report transmitted to the Committee on Public Safety.



REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, February 12, 2020

Mr. President: The Committee on Rules has examined:

SCR 81

And reports the same correctly engrossed.

ATKINS, Chair

State Capitol, February 12, 2020

Mr. President: The Committee on Rules has ordered the following measures to third reading:

SCR 81

SR 74

SR 75

ACR 144

State Capitol, February 12, 2020

The Committee on Rules has referred the following measures to committee:

Business, Professions and Economic Development—SB 926.**Education**—SB 911.**Energy, Utilities and Communications**—SB 925.**Governance and Finance**—SB 928, SB 929, SB 930, SB 931.**Governmental Organization**—SB 918.**Health**—SB 932.**Housing**—SB 902, SB 906, SB 915.**Human Services**—SB 920.**Judiciary**—SB 919, SB 927.**Labor, Public Employment and Retirement**—SB 900, SB 924.**Public Safety**—SB 903, SB 905, SB 914.**Rules**—SB 899, SB 901, SB 910, SB 912, SB 916, SB 923.**Transportation**—SB 904, SB 909, SB 921.

The Committee on Rules has referred the following measures to two or more committees:

Banking and Financial Institutions and **Judiciary**—SB 908, SB 913.**Energy, Utilities and Communications** and **Governance and Finance** and **Judiciary**—SB 917.**Human Services** and **Veterans Affairs**—SB 907.**Judiciary** and **Appropriations**—SB 898.

Public Safety and Appropriations—SB 922.

The Committee on Rules has re-referred the following measures to committee:

Judiciary—ACR 110, ACR 125.

Transportation—ACR 107, ACR 112, ACR 119, ACR 120, ACR 124, ACR 127, ACR 128.

INTRODUCTION AND FIRST READING OF SENATE MEASURES

The following measures were introduced, read the first time, and transmitted to the Committee on Rules for assignment:

Senate Bill 982: By Senator Hill—An act relating to public utilities.

Senate Bill 983: By Senator Rubio (Coauthors: Senators Chang and Dodd) (Coauthors: Assembly Members Eggman and Blanca Rubio)—An act to add Article 26 (commencing with Section 2529.7) to Chapter 5 of Division 2 of the Business and Professions Code, and to add Division 117 (commencing with Section 150400) to the Health and Safety Code, relating to public health.

Senate Bill 984: By Senator Grove—An act to amend Section 12804.9 of the Vehicle Code, relating to vehicles.

Senate Bill 985: By Senator Portantino—An act to add and repeal Section 12022.6 of the Penal Code, relating to sentencing.

Senate Bill 986: By Senator Allen—An act to amend Section 30253 of the Public Resources Code, relating to coastal resources.

Senate Bill 987: By Senator Hurtado—An act relating to community colleges.

Senate Bill 988: By Senator McGuire (Coauthor: Assembly Member Burke)—An act to amend Section 6592 of, and to add Sections 6452.3 and 6591.3 to, the Revenue and Taxation Code, relating to aviation.

Senate Bill 989: By Senator Dahle—An act to amend Section 33302 of the Public Resources Code, relating to resource conservation.

Senate Bill 990: By Senator Moorlach (Coauthors: Senators Bates, Borgeas, Chang, Dahle, Grove, Jones, Morrell, Nielsen, and Wilk)—An act to amend Section 2750.3 of the Labor Code, relating to employment.

Senate Bill 991: By Senator Lena Gonzalez—An act to amend Section 69951 of, to add and repeal Section 69950.5 to, and to repeal and add Section 69950 of, the Government Code, relating to courts.

Senate Bill 992: By Senator Beall (Coauthors: Senators Bates, Dahle, Dodd, Galgiani, McGuire, Morrell, Roth, Rubio, Skinner, Umberg, and Wieckowski)—An act to add Section 13979.6 to the Government Code, relating to transportation.



Senate Bill 993: By the Committee on Labor, Public Employment and Retirement (Senators Hill (Chair), Jackson, Mitchell, Morrell, and Pan)—An act to amend Sections 22106.2, 22119.5, 22156.1, 22170.5, 22501, 22509, 22711, 22714, 22717, 22718, 24204, 25025, 26113, 26801, 26803, 26804, 26810, and 27204 of, to add Sections 23011 and 26303.7 to, and to repeal Section 22151 of, the Education Code, relating to public retirement.

Senate Bill 994: By Senators Bates and Moorlach—An act to amend Sections 196, 197, 198, and 205 of the Code of Civil Procedure, and to amend Section 2157.2 of, and to add Section 2157.3 to, the Elections Code, relating to jurors.

Senate Bill 995: By Senator Atkins—An act to amend Sections 21181, 21189.1, and 21189.3 of the Public Resources Code, relating to environmental quality.

The following measure was offered and referred to the Committee on Rules:

Senate Concurrent Resolution 83: By Senator Dodd (Coauthors: Senators Beall, Dahle, Galgiani, Glazer, Nielsen, Portantino, Wieckowski, and Wiener) (Coauthors: Assembly Members Aguiar-Curry, Choi, Cooley, Fong, Lackey, Mathis, Mayes, Waldron, and Wood)—Relative to Eating Disorders Awareness Week.

CONSIDERATION OF DAILY FILE SECOND READING OF ASSEMBLY BILLS

Assembly Bill 1460—An act to add Section 89032 to the Education Code, relating to the California State University.

Bill read second time and ordered to third reading.

LEAVES OF ABSENCE

The following Senators were granted leaves of absence for the day on legislative business: Senators Chang and Umberg.

The following Senators were granted leaves of absence for the day on personal business: Senators Jones and Mitchell.

The following Senators were granted leaves of absence for the day due to illness: Senators Caballero and Dodd.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Dodd requested that when the Senate adjourns this day it do so in memory of Belle Mary Medina of Woodland.



ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 9 a.m., Thursday, February 13, 2020.

MATHEW BURNS, Minute Clerk

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